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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/815,726	03/23/2001	John Kroeker	ELZK-004	8193
7590	10/10/2006		EXAMINER	SIDDIQI, MOHAMMAD A
Toby H. Kusmer McDermott, Will & Emery 28 State Street Boston, MA 02109			ART UNIT	PAPER NUMBER
			2154	

DATE MAILED: 10/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/815,726	KROEKER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Mohammad A. Siddiqi	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 31 May 2006.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-4, 7-10 and 19-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-4, 7-10, and 19-21 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

**DETAILED ACTION**

1. Claims 1-4, 7-10, and 19-21 are presented for examination. Claims 5, 6, and 11-18 have been cancelled.

***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 05/31/2006 has been entered.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1, 2, 4, 7-9, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mohri et al. (6,032,111) (hereinafter Mohri) in view of Brown et al. (6,587,822) (hereinafter Brown).

5. As per claim 1, Mohri discloses a speech application system (col 6, line 55), comprising:

A. a speech recognition (SR) system (col 6, line 55) configured to receive an audio input (S710, fig 15, col 6, line 55-59) and generate context-independent result object (S740, fig 15) representing all possible context-dependent interpretations (S730, fig 15) of said audio input so as to be context independent (elements of fig 15, col 19, lines 4-39); configured to receive said context-independent result object and said one or more application (elements of fig 15, col 19, lines 4-39).

Mohri does not specifically disclose B. a speech application script, loaded at the SR system and configured to task said SR system, said application script defining one or more application contexts, said application contexts being represented as categories of interpretation; and

C. result object evaluator, as a function thereof, to generate a specific interpretation result corresponding to said audio input, and to return said interpretation result to said application script. However, Brown discloses B. a speech application script (col 2, lines 9-21 and col 13, lines 19-25),

loaded at the SR system and configured to task said SR system, said

application script defining one or more application contexts, said application contexts being represented as categories of interpretation (col 2, lines 9-21 and col 13, lines 19-35); and

C. result object evaluator, as a function thereof, to generate a specific interpretation result corresponding to said audio input, and to return said interpretation result to said application script (voice interpretation, col 13, lines 19-35; lines 37-46). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Brown and Mohri. The motivation would have been developing Interactive Voice response system using automatic grammar creation and compilation to optimize the speech recognizer.

6. As per claim 2, the claim is rejected for the same reasons as claim 1, above. In addition, Brown discloses one or more of said application script is included in a Web page (col 14, lines 13-21).

7. As per claim 4, the claim is rejected for the same reasons as claim 1, above. In addition, Brown discloses an application script includes programming code written in a language chosen from a group of scripting languages comprising (1) Jscript; (2) PerlScript; and (3) Vbscript (col 14, lines 1-14, Javascript, Jscript, PerlScript, and Vbscript scripting languages

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embedded in web page development).

8. As per claim 7, the claim is rejected for the same reasons as claim 1, above. In addition, Brown discloses audio the input is received from a device chosen from a group comprising (figure 1, element 108, col 2, lines 61-67, col 3):

- A. a telephone (figure 1, element 106-1, col 2, lines 61-67; col 3, lines 1-22);
- B. a cellular telephone (figure 1, element 106-1, col 2, lines 61-67; col 3, lines 1-22);
- C. a personal computer (figure 1, element 106, col 2, lines 61-67; col 3, lines 1-22);
- D. an application server (figure 1, element 106-N, col 2, lines 61-67; col 3, lines 1-22); and
- E. an audio receiver (figure 2, element 108, col 2, lines 61-67; col 3, lines 1-22).

9. As per claim 8, the claim is rejected for the same reasons as claim 1, above. In addition, Brown discloses an audio input is received via a network including one or more wire or wireless networks from a group (figure 1, element 108, col 2, lines 61-67) comprising:

A. a telephone network (figure 1, element 106-1, col 2, lines 61-67, col 3, lines 1-21);

B. a cellular telephone network (figure 1, element 106-1, col 2, lines 61-67, col 3, lines 1-21);

C. a LAN network (figure 1, element 106-1, col 2, lines 61-67, col 3, lines 1-21);

D. a WAN network (figure 1, element 106-1, col 2, lines 61-67, col 3, lines 1-21);

E. a virtual private network (figure 1, element 106-1, col 2, lines 61-67, col 3, lines 1-21);

F. the Internet network (figure 1, element 106-1, col 2, lines 61-67);

and

G. the Web network (figure 1, element 106-1, col 2, lines 61-67).

10. As per claim 9, the claim is rejected for the same reasons as claim 1, above. In addition, Brown discloses valid interpretations of said audio input includes all valid interpretations of said audio input within said context (col 13, lines 18-36).

11. As per claim 19, the claim is rejected for the same reasons as claim 1, above.

12. As per claims 20 and 21, claims are rejected for the same reasons as claims 1 and 19, above. In addition, Brown discloses a set of reusable object oriented interface (interfaces must be reusable, since the invention is web based IVR and using scripts and java programming language, Figure 2, element 122, col 4, lines 31-41) local to the SR system, said interfaces configured to interface said application script with SR system (col 2, lines 9-21; col 3, lines 40-53; PML).

13. Claims 3 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mohri et al. (6,032,111) (hereinafter Mohri) in view of Brown et al. (6,587,822) (hereinafter Brown) as applied to claims 1, 2, 4-9 and 20 above, and further in view of Mikurak et al. (6,606,744) (hereinafter Mikurak).

14. As per claim 3, Mohri and Brown both fails to teach interfaces are object exposed via ActiveX facilities. However, Mikurak discloses teach interfaces are object exposed via ActiveX facilities (col 15, lines 21-40). Therefore, it would have been obvious to one to of ordinary skill in the art at the time of the invention was made to combine the teachings of Mohri and Brown with Mikurak. The motivation would have been to use ActiveX component in web pages because ActiveX components create and manage

interactive multimedia at the Web site on Microsoft platform and can be easily integrated with SQL Server or other Microsoft products).

15. As per claim 10, Mohri and Brown both fails to teach tentative usage, however, Mikurak discloses the applications is chosen from a group of applications:

- A. consumer survey applications (col 131, lines 5-15);
- B. Web access applications (col 38, lines 7-38);
- C. educational applications, including health education applications and computer-based lesson applications and testing applications (col 38, lines 7 -38);
- D. screening applications, including patient screening applications and consumer screening applications (col 150, lines 20-49);
- E. health risk assessment applications (col 150, lines 20-49);
- F. monitoring applications, including heath data monitoring applications and consumer preference monitoring applications (col 150, lines 20-49);
- G. compliance applications, including applications that generate notifications of compliance related activities, including notifications regarding health or product maintenance (col 150, lines 20-49);

H. test results applications, including applications that provide at least one of lab test results, standardized tests results, consumer product test results, and maintenance results (col 150, lines 20-49); and

I. linking applications, including applications that link two or more of the applications in parts A through H (col 38, lines 7-38). It would have been obvious to one to of ordinary skill in the art at the time of the invention was made to combine the teachings of Brown and Mohri Mikurak. The motivation would have been building a system where users can get information via multiple channels such as IVR, electronic mail, and FAQ (Frequently Asked Questions) published on website.

***Response to Arguments***

16. Applicant's arguments with respect to claims 1-4, 7-10, and 19-21 have been considered but are moot in view of the new grounds of rejection.

***Conclusion***

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

U.S. Patent 6,502,072

U.S. Patent 5,844,392

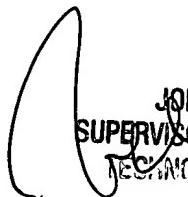
U.S. Patent 6,665,640

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad A. Siddiqi whose telephone number is (571) 272-3976. The examiner can normally be reached on Monday -Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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